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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 09/689,005      | 10/12/2000  | Shoei Kobayashi      | 202702US6           | 7667             |

22850 7590 12/24/2003

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| EXAMINER |
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CHU, KIM KWOK

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| ART UNIT | PAPER NUMBER |
|----------|--------------|

2653

12

DATE MAILED: 12/24/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

TS

# Office Action Summary

Application No.

09/689,005

Applicant(s)

KOBAYASHI ET AL.

Examiner

Kim-Kwok CHU

Art Unit

2653

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on Amendment filed on 12/09/03 (paper 11).
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1 and 6-10 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1 and 6-10 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. §§ 119 and 120

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All: b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

***Response to Remarks***

1. Applicant's Remarks (paper 11) filed on December 19, 2003 have been fully considered.

(a) In the Remarks, on page 5, last line to page 6, first 4 lines, Applicant states that independent Claims 1, 6 and 9 "requires that a pulse must be actually produced during a wobble signal disturbance period .....provide a synch signal not subject to this specifically recited disturbance condition". Accordingly, Inokuchi, in Fig. 1, teaches that a gate signal (pulse) from a gate signal generator 12 is used to synchronize all circuits including the PLL circuit and read/write circuits. During a wobble disturbance period such as an abnormal track jump in any situation which includes a switching operation of recording/reproducing mode, Inokuchi's gate signal is used to clock the PLL circuit. The PLL circuit therefore generates a synchronization clock signal; and

(b) in the Remarks, on page 6, last 4 lines, Applicant states that the actual claimed wobble signal deals with "a wobble signal that is present but disturbed due to switching between recording and reproducing operations". Accordingly, in Applicant's claim 1, line 10, the claimed pulse means produces a pulse during a wobble signal disturbance period. In other words, claim 1 does not include the above feature "a wobble signal that is present but disturbed".

**Claim Rejections - 35 USC § 102**

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. § 102 that form the basis for the rejections under this section made in this Office action:

*A person shall be entitled to a patent unless -  
(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.*

3. Claims 1 and 6-10 are rejected under 35 U.S.C. § 102(e) as being anticipated by Inokuchi et al. (U.S. Patent 6,172,952).

Inokuchi teaches a recording/reproducing apparatus for recording and reproducing data on and from an optical disk having all the elements and means as recited in claims 1 and 7. For example, Inokuchi teaches the following:

(a) as in claim 1, the recording medium has an address data area having emboss pits and a recording/reproducing area having a wobbling spiral groove (Figs. 2A and 2B);

(b) as in claim 1, a head means 3 for reading address data from the address data area and writing and reading a signal in and from the recording/reproducing area (Fig. 1);

(c) as in claim 1, wobble-signal processing means 4 for extracting a wobble signal from the signal the head means 3 obtained from the wobbling spiral groove (Figs. 2A and 2B; column

10, lines 45-50);

(d) as in claim 1, providing the wobble signal to a PLL circuit means 17-21 for producing a sync signal from the wobble signal (Fig. 1, column 12, lines 19-32);

(e) as in claim 1, pulse means 12 for producing a pulse at least during a wobble signal disturbance period occurring when switching the recording/reproducing apparatus between at least one of recording and reproducing operation (Fig. 1; column 11, lines 15-17; the gate signal produces and outputs a read gate signal; column 12, lines 35 and 36);

(f) as in claim 1, for providing the pulse to the PLL circuit means (Fig. 1; column 11, lines 15-17);

(g) as in claim 1, the PLL circuit means 17-21 further providing an unchanging sync signal during the wobble signal disturbance period occurring when switching between at least one of recording and reproducing operations in response to receiving the pulse (Fig. 1; the sync signal does not change during an abnormal track jump; column 17, lines 51-57); and

(h) as in claim 7, the pulse means 12 is connected to provide the pulse to an input gate of the PLL circuit means 17-21 also receiving the wobble signal from the wobble signal processing means 4 (Fig. 1; charge pump means 18 receives gate signal from gate signal generator 12 and wobble signal from comparator 17).

4. Method claims 6 and 8 are drawn to the method of using the corresponding apparatus claimed in claims 1 and 7. Therefore method claims 6 and 8 correspond to apparatus claims 1 and 7 and are rejected for the same reasons of anticipation as used above.

5. Claims 9 and 10 have limitations similar to those treated in the above rejection, and are met by the references as discussed above.

6. Any response to this action should be mailed to:

Commissioner of Patents and Trademarks Washington, D.C.  
20231 Or faxed to:

(703) 872-9306 (for formal communications intended for entry. Or:

(703) 746-6909, (for informal or draft communications, please label "PROPOSED" or "DRAFT")

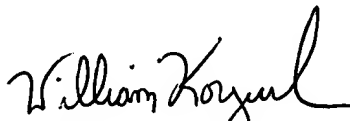
Hand-delivered responses should be brought to Crystal Park II, 2021 Crystal Drive, Arlington. VA., Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-4700.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kim CHU whose telephone number is (703) 305-3032 between 9:30 am to 6:00 pm, Monday to Friday.

cc 12/18/03  
Kim-Kwok CHU  
Examiner AU2653  
December 19, 2003

(703) 305-3032

  
WILLIAM KORZUCH  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600